

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

In re

TIMOTHY DOUGLAS HAYES,

Debtor.

Case No. 16-bk-11983-REF

Chapter Number: 7

315 BOWERY HOLDINGS, LLC and
CBGB FESTIVAL, LLC

Plaintiffs,

v.

TIMOTHY HAYES,

Defendant.

Adversary No. 16-186

STATUS REPORT¹

Pursuant to the Court's December 23, 2016 Order in this Adversary Proceeding (Adv. Dkt. No. 33), by which the Court stayed the above Nondischargeability Action pending a final determination and judgment in the New York state court action *SW Productions, Inc. v. CBGB Festival, LLC*, No. 652990/2014 (Sup. Ct. N.Y. County 2014) (the "New York Action"), Plaintiffs 315 Bowery Holdings, LLC and CBGB Festival, LLC (together, "CBGB"), through their undersigned counsel, hereby submit this Joint Status Report outlining the status of the New York Action since the parties' last report.

¹ CBGB is filing this report on its own behalf, and not as a "Joint" report with Debtor-Defendant Timothy Hayes. Counsel for CBGB has not received any response to its communications to Hayes's counsel regarding this Status Report, including after it sent Hayes's counsel a draft of this report on Thursday, June 29, 2017 and again on Friday, July 7, 2017.

1. On May 30, 2017, counsel of record for Stuart Weissman and SW Productions Inc. wrote to Justice Jeffrey K. Oing seeking a “45 day extension of all the applicable discovery dates on account of a medical condition.” (New York Action, Dkt. No. 239)

2. On June 9, 2017, upon the consent of the parties, the Court entered an order staying responses to written discovery requests until July 17, 2017, ordering depositions of all parties to be completed by September 30, 2017 and extending the date for the completion of all disclosure to October 30, 2017. (*See* New York Action, Dkt. No. 241.)

3. Justice Oing is no longer serving as the assigned justice on this matter, as he was appointed to the New York Appellate Division, First Department, as of June 12, 2017. The parties are presently awaiting reassignment of this matter to another trial court justice.

4. CBGB intends to make a motion before this Court to lift the bankruptcy stay for the limited purpose of conducting the deposition of Timothy Hayes in both the New York and Nondischargeability Actions.

Respectfully Submitted: July 10, 2017

SHER TREMONTE, LLP

By: /s/ Kimo S. Peluso
Kimo S. Peluso (*pro hac vice*)
90 Broad St., 23rd Floor
New York, NY 10004
(212) 300-2442

MANATT, PHELPS & PHILLIPS, LLP
Diana L. Eisner
1050 Connecticut Ave, NW, Ste 600
Washington, DC 20036
(202) 585-6500

*Attorneys for Plaintiffs 315 Bowery Holdings, LLC
and CBGB Festival, LLC*